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SEP 26 2006

Atty. Docket No.: PC-1609

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant: JOHN D. BAXTER
Serial No.: 10/723,078
Filed: 11/26/2003
For: CYLINDER CONTAINER BAGS
Examiner: PASCUA, JES F Group: 3727

ELECTION

Commissioner of Patents
And Trademarks

Honorable Commissioner:

I enclose the following papers:

1. ELECTION

Please enter the above correspondence.

Respectfully submitted,

Brian S. Steinberger
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CERTIFICATE OF FACSIMILE (37 CFR 1.8a)

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office to 1-571-273-8300 totaling 3 pages

9/26, 2006
Date

Brian S. Steinberger
(Name of Person Transmitting Paper)

(Signature of Person Transmitting Paper)

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ELECTION

Commissioner of Patents
And Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Action mailed August 28, 2006, Applicant elects to prosecute with traverse Group II, Figures 9-15, Claims, 1, 5-8 and 11-17, drawn to covering tank, container bag with closed sides and top cover.

Based on the restriction requirement, Applicant lists inventions readable thereon as follows:

- Group I: Figures 1-8G, Claims 1-12, 14 and 17, drawn to covering tank, container bag with exposed sides, and open top.
- Group II: Figures 9-15, Claims, 1, 5-8 and 11-17, drawn to covering tank, container bag with closed sides and top cover.

Applicant agrees the subject invention covers three different inventions. However, applicant disagrees with the restriction for other reasons. The Primary Examiner finds separate inventions in the Claims 1-17.

Atty. Docket No.: PC-1664

A policy consideration behind a restriction requirement would suggest that separate inventions exist that inherently would include separate prior art searches, examinations, examiners, etc.

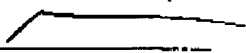
Further, multiple examinations on these inventions would be repetitive and excessive. Separate prosecution can create an unnecessary financial burden for both the Applicant and the Patent Office. If both Groups can be searched by the same art unit and further by the same examiner, then having different examiners conduct separate searches and examinations would create an undue time and financial burden on both the patent office and on the applicant.

For these reasons, Applicant requests reconsideration and withdrawal of the restriction requirement.

In reference to the restriction requirement, Applicant again wishes to make their election to prosecute the Group I, Figures 9-15, claims 1, 5-8 and 11-17 with traverse. If further restrictions are merited, please let us know.

Thus, for the above reasons, the restriction requirement is not proper and Applicant respectfully requests removal of the restriction requirement.

Respectfully submitted:



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Date 9/26/06